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09/933,026	08/20/2001	Hippolit Gstrein	5689-266	5700

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EXAMINER

HUG, ERIC J

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TC-6

# Office Action Summary

Application No.

09/933,026

Applicant(s)

GSTREIN ET AL.

Examiner

Eric Hug

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiply twisted structure (50) in claim 6 must be shown or the feature canceled from the claim. No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 50, pertaining to a twisted structure.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the twisted structure as described in the specification. The drawings show the cross-section of the twisted structure, but not the twist itself. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings are also objected to because there are duplicates of Figure 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the upper and the lower layer". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "at least one upper layer of the textile backing element" and recites "at least one lower layer" without reference to the textile backing element. The latter phrase should read "at least one lower layer of the textile backing element".

Claim 6 includes a reference number (50) that is not shown in the drawings. The feature represented by the reference number, "a multiply twisted structure", is also not shown in the drawings.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (US 5,525,410). Hansen discloses a seamed, woven press fabric with a fibrous batt, whereby the base fabric is made of longitudinal and transverse yarns comprising a plurality of twisted filaments in the cross-machine (transverse) direction (see Claim 1 of Hansen, column 4, lines 10-20). These elements read on instant claim 1. The twisted yarns comprise three or more monofilaments (reads on claim 2) forming a multistrand yarn, each monofilament having diameter from 0.04 to 0.18 mm (column 2, lines 40-43; reads on claim 8). The fabric can single layered or multi-layered (column 3, line 40 to column 4, line 3; reads on claim 3). The multistrand yarns can be plied multistrand yarns (column 1, lines 55-63 and Claim 7 of Hansen). Since a multistrand yarn comprises twisted yarns, then a plied multistrand yarn makes up a multiply twisted yarn (reads on claim 6).

2. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarthy et al (US 5,508,094). McCarthy discloses a seamed press fabric with longitudinal and transverse threads and a fibrous batt needled thereto, whereby the weft (transverse) threads can comprise eight strands of twisted monofilaments (reads on claims 1 and 2). The fabric can comprise two or more layers of warp and weft yarns, thus has at least two plies (reads on claim 3). The monofilaments in the twisted structure have a diameter of 0.10 mm (reads on claim 8).

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In the construction shown, the twisted structure would have a minimum mean diameter of three monofilaments or 0.30 mm (reads on claim 9).

3. Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davenport (US 5,391,419). Davenport discloses a seamed press fabric with woven base of longitudinal and transverse yarns and a fibrous batt needled thereto, whereby the cross-direction (transverse) yarns comprise a multifilamented core yarn of twisted monofilaments (reads on claim 1). There are more than three yarns in each multifilament (see Figures 2 and 3; reads on claim 2). The yarn can also be made up of plied bundles of twisted monofilaments (see Figure 3; reads on claim 6).

4. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hood (US 5,087,327). Hood discloses a seamed papermaker's fabric with a woven base of longitudinal and transverse yarns and a fibrous batt needled thereto, whereby the transverse yarns can comprise a twisted structure (reads on claim 1). Each twisted structure has at least three monofilaments (reads on claim 2). The fabric is shown to have two layers of longitudinal (not shown) and transverse threads (Figure 2a, 2b) whereby the batt fibers are embedded throughout (reads on claims 3 and 4). As seen in Figures 3a, 3b, 4a, and 4b, the yarns can comprise monofilaments, cabled monofilaments, twisted structures, and braided structures (reads on claim 7). A monofilament has a diameter of 0.10 to 0.40 mm (reads on claim 8). A twisted or braided yarn can have a diameter of about 0.70 mm (reads on claim 9).

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5. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Oikawa et al (US 4,425,392). Oikawa discloses a seamed papermaking felt with two woven layers and fibrous batt needled over both sides of the layers and throughout. The two woven layers can be woven together with warps (longitudinal threads) and wefts (transverse threads) of one layer joining those of the other layer. Twisted yarns of two monofilaments are used as both warp and weft yarns in the construction.

6. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Siracusano (US 4,350,731). Siracusano discloses a seamed wet press felt with twisted longitudinal and transverse yarns and a fibrous batt needled thereto. The yarns comprise a core multifilamented yarn wrapped in both directions by twisted elastomeric filaments. Thus, the felt comprises a multiply twisted structure (reads on claim 6) and a mixed structure (reads on claim 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gstrein (US 5,618,612). Gstrein discloses a press felt with a base fabric and a needled batt whereby the base fabric comprises twist yarns in the cross machine direction in which two or more single yarns are twisted together to form a plied monofilament twist (elements of instant claims 1 and 2). The base fabric is made of a single woven fabric or an assembly of separately woven fabrics (instant claim 3). The fiber diameter is 0.1 to 0.3 mm (instant claim 8). Gstrein does not explicitly describe the felt as being seamed. However, since press felts are seamed together into an endless loop for use in the papermaking process, a use of a seam would be inherent in the felt construction, or, at the time of the invention, it would have been obvious to one skilled in the art to include a seam for joining the two ends of the felt together into an endless loop for use on a papermachine.

8. Claims 1-3, 5, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Smart (US 4,503,113). Smart discloses a papermaker's felt with a three-layered base fabric comprising longitudinal and transverse threads and fibrous batt needled thereto. The base fabric may be woven endless or made of a base layer

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and upper two layers which are combined together (by cross-direction yarn 15 in Figure). The above features read on claims 1-3 and 5, except that Smart does not explicitly mention a seam. Since the latter construction will eventually be made in endless form for use on a papermachine, a seam would be inherent in the felt construction, or, at the time of the invention, it would have been obvious to one skilled in the art to include a seam for joining the two ends of the felt together into an endless loop. With respect to claims 8 and 9, the upper layer of the felt comprises at least four strands of 0.008" (0.20 mm) monofilament twisted together to form a yarn of 0.021" (0.533 mm) (see Example 1).

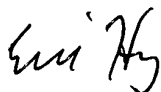
9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smart (US 4,503,113). Smart discloses the papermaker's felt which reads on claim 1 as described above, and also discloses that the yarn density can be 32 yarns per inch which is equivalent to a yarn density of 126 yarns per 10 cm. This is about the claimed value of 130 yarns per 10 cm. Although these values do not overlap, they are close enough so that one skilled in the art would have expected them to have the same properties. *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.



jeh  
September 19, 2002



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